

Pat Lundvall (NSBN 3761)
Rory T. Kay (NSBN 12416)
Kiley Harrison (NSBN 16092)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
Telephone: (702) 873-4100
lundvall@mcdonaldcarano.com
rkay@mcdonaldcarano.com
kharrison@mcdonaldcarano.com

*Attorneys for Defendant
State of California Employment Development Department*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TOPOLEWSKI AMERICA, INC.,

Plaintiff,

vs.

STATE OF CALIFORNIA EMPLOYMENT
DEVELOPMENT DEPARTMENT,

Defendant.

Case No.: 2:22-CV-02045-GMN-DJA

**ORDER GRANTING APPLICATION
FOR ORDER ALLOWING THE
EXAMINATION OF THE FED. R. CIV. P.
30(b)(6) DESIGNEE(S) OF
TOPOLEWSKI AMERICA, INC.**

The Court, having reviewed and considered defendant State of California Employment Development Department's ("EDD") *Application for Order Allowing the Examination of the Fed. R. Civ. P. 30(b)(6) Designee(s) of Topolewski America, Inc.* ("Application"), finding that the Court entered judgment against plaintiff Topolewski America, Inc. ("Topolewski"), and for good cause appearing, orders as follows:

IT IS HEREBY ORDERED that the EDD's Application is **GRANTED**.

IT IS FURTHER ORDERED that on or before December 8, 2023 at 5:00 p.m., Topolewski must produce the documents identified in **Exhibit 1** to Kiley Harrison, Esq., at the law offices of McDonald Carano LLP, located at 2300 West Sahara Avenue, Suite 1200, Las Vegas, Nevada 89102.

IT IS FURTHER ORDERED that Topolewski must designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf to appear

1 and answer questions under oath regarding Topolewski's property, holdings, and other
2 assets at a Judgment Debtor's Examination on January 5, 2024 at 10:00 a.m. at the law
3 offices of McDonald Carano LLP located at 2300 West Sahara Avenue, Suite 1200, Las
4 Vegas, Nevada 89102. The Judgment Debtor's Examination will be conducted by
5 Judgment Creditor's counsel, the oath will be administered by a notary public, and the
6 proceedings will be transcribed by a court reporter. The transcript will be preserved for two
7 years.

8
9
10 **IT IS SO ORDERED:**

11 

12 _____
13 DANIEL J. ALBREGTS
14 UNITED STATES MAGISTRATE JUDGE

15
16
17 DATE: 11/27/2023
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1**DEFINITIONS AND INSTRUCTIONS**

1. The term “person” means natural person, corporation, association, partnership, sole proprietorship or public entity.

2. The term “document” means and includes, without limitation, any kind of written, typewritten, printed or recorded material whatsoever, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, electronic mail, computer storage device or memory, or other media or data compilation from which information may be obtained, including accounts, address books, addenda, agreements, albums, articles, bank statements, blueprints, books, calendars, charts, checks (both front and reverse sides), contracts, correspondence, declarations of trusts, wills, deeds, deposit receipts, diagrams, diaries, disks, drafts, electronic-mail, text messages, facsimiles, films, forms, instruments of conveyance or for other purposes, invoices, journals, ledgers, letters, lists, logs, mailgrams, maps, memoirs, memoranda, minutes, motion pictures, notations, notebooks, notes, notices, photographs, plans, pleadings, other writings filed with any court, powers of attorney, promissory notes, proofs of delivery, purchase orders, recordings, records, registers, schedules, sound recordings, summaries, telexes, working papers, writings, and all other material, whether in draft form or not, and whether a copy or an original. The term “document” shall further mean any letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation, and shall mean the original of any document as defined above, if available, or to a clear and legible copy thereof, if not available, as well as to any copies or drafts that have any notations of any sort, whether typed, printed, handwritten, or otherwise inscribed, which notations are not present on the original.

3. The phrase “relating to” and “related to” means, without limitation, constituting, discussing, covering, concerning, or referring to, directly or indirectly in any way, the subject matter identified in a particular request.

4. The terms “and” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of such request for production of documents any information which might otherwise be construed to be outside its scope.

5. The use of the singular form of any word includes the plural and vice versa, whichever makes the request more inclusive.

6. In the event that any document is not produced by reason of a claim of privilege, you are required to provide a log setting forth the following:

- a. the author or originator;
- b. each addressee or recipient of the document or any copy thereof;
- c. the date the document bears or, if it bears no date, the date on which it was made;
- d. the title or subject matter of the document and a general description of its contents;
- e. the nature of the document (e.g., memorandum, telegram, chart, etc.); and

f. the basis or bases for the claim of privilege.

7. The terms "You," "Your," "Topolewski" and "Judgment Debtor" refer to Topolewski America, Inc.

8. The terms "EDD" or "Judgment Creditor" mean and refer to the State of California Employment Development Department and includes all affiliates, agents, employees, accountants, counsel, successors, or any other persons or entities under its control or the control of any of the foregoing to acting on its behalf or on behalf of any of the foregoing, regardless of their affiliation or employment.

9. The term "including" means including but not limited to.

DOCUMENTS TO BE PRODUCED

1. All Judgment Debtor's organizational and corporate documents, including articles of organization, amendments to the articles of organization, operating agreements, amendments to the operating agreements, lists of members or managers of Judgment Debtor, and any other formation or governance documents from 2020 to the present.

2. All bank records and account statements from 2020 through the present, including Your checking accounts, savings accounts, certificate of deposit accounts, money market accounts, etc.

3. All documents which identify Your current assets, including all real property and personal property.

4. All documents reflecting and/or identifying any person, including any professional, that is currently in possession of any of Your property.

5. All documents reflecting and/or relating to income and/or expenses of You or any business, sole proprietorship, partnership, corporation, or any publicly held business in which You have or had, directly and/or indirectly, with another or others, any interest from 2020 through the present.

6. All insurance schedules evidencing insurance You obtained or in which You are a beneficiary for the period of 2020 through the present.

7. All documents evidencing Your accounts payable and accounts receivable for the period of 2020 through the present.

8. All tax returns and related documents for fiscal years 2020, 2021, and 2022.

9. All other documents not previously requested evidencing, concerning, referring and/or relating to any other property (real or personal) You own or in which You have an interest.